

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2005 MAR -2 A 11:28

SHARON MCNULTY

Plaintiff,

v.

MASSACHUSETTS BAY COMMUTER
RAIL COMPANY, LLC and
MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY
a/k/a MBTA

CIVIL ACTION NO. 05-10040 WGY:
DISTRICT OF MASS.

PLAINTIFF'S STATEMENT PURSUANT TO LOCAL RULE 16.1 (D)

Plaintiff, Sharon McNulty hereby submit the Plaintiff's Proposed Discovery Plan pursuant to Local Rule 16.1 D and Fed. R. Civ. P. 26(f):

PLAINTIFF'S DISCOVERY PLAN

I. BACKGROUND

Plaintiff

The plaintiff filed her complaint on January 12, 2005. On March 28, 2004 and in the course of her duties, through no fault of her own, the plaintiff was injured. The plaintiff has filed this Complaint to recover for damages resulting from this incident, including, but not limited to her lost of wages pursuant to the Acts of Congress, April 22, 1908 c. 149, 35 Stat. 65 and amendment thereto, U.S.C.A. Title 45, section 51, et seq., and further amended by the Act of Congress on August 11, 1939, Chapter 685 – 1st Session of the 76th Congress, know and cited as "The Federal Employers' Liability Act".

DOCUMENT DISCOVERY

The parties will complete basic document discovery sufficient to enable them to commence taking deposition by May 30, 2005. Any necessary motions to compel production of documents will be filed promptly. The parties may serve further request for documents, as needed, through May 30, 2005. The parties may also seek discovery of documents in the possession of third parties by initiating such request prior to May 30, 2005.

DEPOSITIONS

The parties will complete depositions of the party and/or representative by August 30, 2005 and non-party witnesses by September 30, 2005. Each party may notice up to 10 depositions as set forth in Local Rule 26.1 (c), without obtaining leave of the Court. Expert witnesses will not be deposed until the depositions of fact witnesses have been completed.

EXCHANGE OF WITNESS LISTS

The parties will exchange lists of fact witnesses who may be called at trial by August 30, 2005. Either party may make additions thereafter upon showing good cause.

The parties will each disclose the names of their experts by September 1, 2005. Expert witness reports will be exchanged by the parties on or before October 1, 2005. Either party may depose the other party's experts. Expert depositions will be completed by October 30, 2005.

MOTIONS SCHEDULE

The parties may file dispositive motions at any time but in no event after November 15, 2005.

PRE-TRIAL CONFERENCE

The parties anticipate that a final pre-trial conference would be scheduled by the Court for a date in November, 2005.

CERTIFICATION

The certification required by Local Rule 18.1 (D) (3) are annexed hereto
16.1(D)